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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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Washington, D.C. 20231

Director's Office
Group 3700

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(Attorney for Protestor)

#13

In re Application of :
J. T. Lin : LETTER RE PROTEST
Reissue Appln. No. 09/084,441 : UNDER 37 CFR 1.291
Filed: May 27, 1998 :
Attorney Docket No. 62-575 :

On November 19, 1999, a protest under 37 CFR 1.291 was submitted under the signature of Benoit Castel, Esq. (attorney for protestor) in the above-identified reissue application. The protest was accompanied by a "Certificate of Service" certifying that a copy of the protest is being served upon the attorney of record in the above-identified reissue application. Also accompanying the protest was, inter alia, a listing and explanation of ten references relied upon as well as a copy of each of the ten references.

It is noted that the protest further includes an objection to the filing date accorded to the above-identified reissue application by the Patent and Trademark Office (PTO). Because the accordance of filing dates to applications by the PTO is outside the scope of protest as defined by 37 CFR 1.291(b), the protest submitted November 19, 1999 is improper. Further, protestor has no standing to "protest" the granting of a filing date to an applicant.

On January 13, 2000, the PTO received a further submission from protestor's attorney, repeating protestor's objection to the filing date accorded the above-identified reissue application. With respect to further submissions following the submission of a protest, 37 CFR 1.291(c) provides in part:

The limited involvement of the member of the public filing a protest pursuant to paragraph (a) of this section ends with the filing of the protest, and no further submission on behalf of the protestor will be considered, except for additional prior art, or unless such submission raises new issues which could not have been earlier presented.

Accordingly, the January 13, 2000 submission is also improper.

On January 20, 2000, reissue applicant filed a request to have the January 13, 2000 submission from protestor returned to its

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sender. In that request, reissue applicant's attorney-of-record provided the PTO with the mailing address of protestor's attorney.

In view of the foregoing, both the protest submitted November 19, 1999 and the submission of January 13, 2000 are being returned to protestor's attorney-of-record via U.S. mail using the address for protestor's attorney provided in applicant's January 20, 2000 request.

Any other improper submission from protestor will similarly be returned without consideration, and without comment, to protestor's attorney.

If protestor wishes the protest under 37 CFR 1.291 be made of record in the above-identified reissue application, it is suggested that protestor submit a timely protest which omits any arguments or comments pertaining to the filing date accorded the above-identified reissue application.

John J. Love
Director, Technology Center 3700

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enclosures

cc: William H. Bollman (Attorney for Reissue Applicant)
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